

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

SUNI MUNSHANI,

Defendant.

22-cr-215 (JSR)

ORDER

JED S. RAKOFF, U.S.D.J.:

On February 22, 2024, defendant Suni Munshani filed a motion for a sentence reduction under 18 U.S.C. § 3582 and requested the appointment of counsel. See Def. Mot. for a Sentence Reduction, ECF No. 115. Mr. Munshani argues that a sentence reduction is warranted because of the inadequate medical care he is receiving for his heart condition in prison. For the reasons discussed below, both Mr. Munshani's request for the appointment of counsel and his motion for compassionate release are denied.

Under 18 U.S.C. § 3582(c)(1)(A)(i), a defendant must not only identify "extraordinary and compelling reasons warranting a sentence reduction" but must also show that "the 18 U.S.C. § 3553(a) sentencing factors [are] consistent with a lesser sentence than that previously imposed." See Garavito-Garcia v. United States, 544 F. Supp. 3d 484, 488 (S.D.N.Y. 2021).¹ Even assuming arguendo that Mr. Munshani has shown his medical condition is being inadequately treated in prison

¹ Unless otherwise indicated, case quotations omit all internal quotation marks, alterations, footnotes, and citations.

and that this inadequate treatment constitutes extraordinary and compelling circumstances justifying a sentence reduction, Mr. Munshani has not shown that a sentence reduction is consistent with the 3553(a) factors. The Court already considered Mr. Munshani's medical condition when it imposed a below-guidelines sentence of 42 months. See 4/7/23 Tr. 2:12-21, 7:23-8:17, 19:19-22, 20:19-23, ECF No. 86. But Mr. Munshani has served less than a year of that sentence. And given the serious nature of his long-running financial fraud, the Court finds that a reduced sentence is not consistent with the Section 3553(a) factors. The Court accordingly denies Mr. Munshani's motion for a sentence reduction and for the appointment of counsel.

The Clerk of Court is respectfully directed to close docket entry number 115.

SO ORDERED.

New York, NY
May 22, 2024


JED S. RAKOFF, U.S.D.J.